

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2862 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Patna

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Sunita Kumari Prasad W/o Ram Kumar, D/o Chandra Jeet Prasad Mohalla -
Mankivilla, Kurji Kothiya, P.S. Digha, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Law, Govt. of Bihar, Patna.
2. Ram Kumar S/o Sheo Narain Yadav R/Village Raghunathpur Mathiya, P.S. - Rani Talab, District - Patna Presently residing at Mohalla - Suryabihar Colony Near Padder Tiles Rupeshpur Nahar, P.S. Rupaspur, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Pandey
For the Respondent/s	:	Mr. Prashant Pratap

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-11-2018 This writ application has been preferred for a direction to the respondents to ensure the payment of the amount of maintenance granted to the petitioner vide order dated 06.08.2015 passed in Maintenance Case No. 249 of 2013 by the learned Additional Principal Judge, Family Court, Patna.

The order dated 06.08.2015 is available on the record as Annexure-2 to the present writ application. Learned Additional Principal Judge, Family Court, Patna by the said order directed the private respondent no. 2 to pay a sum of Rs. 3000/- for wife and Rs. 1,000/- for each child, total Rs. 5000/- per month as ad-interim maintenance allowance from the date of the order. A direction was also issued to pay cost of Rs.



5000/- to the petitioner in one lump-sum as litigation cost.

Learned counsel for the petitioner informed this Court that no payment has been made towards compliance of the order of the learned Additional Principal Judge, Family Court, Patna.

Learned counsel for the State is present.

However, the private respondent has not appeared despite attempts made by this Court to serve him. The notice issued to him earlier has been taken as validly served in view of the process server report.

In the given facts and circumstance, this Court would direct the learned Additional Principal Judge, Family Court, Patna to take a serious view of the matter as it is a case of non-compliance of the order of the Family Court. The learned Additional Principal Judge, Family Court, Patna shall take coercive measures in accordance with law if the order of the court is not being complied with.

Learned counsel for the petitioner submits that application has already been filed before the learned Additional Principal Judge, Family Court, Patna to initiate action towards execution of the order and for taking coercive measure for non-compliance with the order. However, the said application is still pending.



It is made clear that the learned Additional Principal Judge, Family Court, Patna shall take appropriate measures as directed above within 15 days from the date of receipt/production of a copy of this order and shall continue with the same without granting long adjournments in order to ensure that the amount of maintenance and cost which have been awarded by the Family Court so long as that exists are duly paid to the petitioner including the arrears. The petitioner is at liberty to approach this Court if the appropriate measures are not taken in the court below towards the implementation of the order and to take coercive measures against the private respondent.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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